

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRUCE LEHMAN

Case No.

Plaintiff,

vs.

NELSON, WATSON & ASSOCIATES, LLC

Defendant.

**COMPLAINT**

**INTRODUCTION**

1. Bruce Lehman (“Lehman”) is filing this lawsuit in order to recover damages against Defendant pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”).

**JURISDICTION**

2. The Court has jurisdiction. 28 U.S.C. § 1331, 15 U.S.C. § 1692k(d).

**PARTIES**

3. Lehman is an adult living in Allegheny County, Pennsylvania.

4. Lehman is a “consumer” as that term is defined in the FDCPA, 15 U.S.C. § 1692a(3).

5. Defendant Nelson, Watson & Associates, LLC (“Nelson”) is a collection agency with a place of business located at 80 Merrimack Street Lower Level, Haverhill, MA 01830.

6. Nelson is a “debt collector” as that term is defined in the FDCPA, 15 U.S.C. § 16929(a)(6).

**FACTS**

7. Lehman allegedly owed a consumer debt to Sears.
8. LVNV Funding, LLC allegedly purchased the debt from Sears.
9. LVNV hired Nelson to collect the debt.
10. On August 27, 2009 at 1:25 PM, the following message was left on

Lehman's answering machine:

Bruce Lehman. This is Anita Dunn calling from the office of Nelson, Watson & Associates. It is urgent. Please contact my office right away at 1-800-870-5610 extension 2020.

11. This message violates 15 U.S.C. § 1692e(11), which states:

The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, **and the failure to disclose in subsequent communications that the communication is from a debt collector**, except that this paragraph shall not apply to a formal pleading made in connection with a legal action.

(Emphasis added).

12. As a result of Defendant's illegal collection activities, Lehman is entitled to recover statutory damages in the amount of \$1,000 and reasonable attorney's fees and costs. 15 U.S.C. § 1692k.

#### REQUEST FOR RELIEF

WHEREFORE, Plaintiff Bruce Lehman respectfully requests:

- A. Statutory damages in the amount of \$1,000, and
- B. Costs, expenses incurred in the investigation, filing and prosecution of this action and reasonable Attorney's fees.

Respectfully Submitted,

JEFFREY L. SUHER, P.C.

/s/ Jeffrey L. Suher

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**JURY TRIAL DEMAND**